

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 25, 28-39, 42-44 and 48 are amended herein to more particularly point out what the Applicants regard as their invention. Support for the amendments can be found in the specification and figures as filed. Claims 49 and 50 are added herein.

Claim 25 now recites, among other things, that the “channel [is] located between a sidewall of the first housing part and at least one ridge positioned on the interior of the first housing part, the sidewall being located at an outer side of the first housing part, the channel providing a flowpath for a sterilizing medium defined by the sidewall and the at least one ridge, the channel extending over substantially the entire surface of the first housing part, but for a surface portion of the first housing part comprising the testing chamber”. This arrangement is supported by the Figures of the present specification, for example Figs. 1, 2, 4, 6, 7, 8, 9, 11, 12, 13, 14, and 15.

Claim 48 provides that the “supply line being comprised of a channel located between a sidewall provided on an outer side of the first housing part and at least one inwardly facing ridge provided on the second housing part”. Support for claim 48 as amended can be found in the specification, at least at page 8, where it is indicated that

the supply channel (4) that supplies the sterilization medium can be worked into the housing part (3) or into the housing part (5) or into

both. Using an at least partially meandering and/or spiral-shaped arrangement of the supply channel, ridges form in the interior of the housing, and these ridges at least partially along with the side part(s) of the housing parts (3) and/or (5) form a part of the supply channel (4). A supply channel (4) formed in this manner receives the indicator (2).

Newly added claim 49 is supported by the specification description of the embodiment of Fig. 9, and from Fig. 9 itself. Claim 50 depends from claim 48. Claim 50 indicates that an inwardly facing, channel-forming ridge is provided on the first housing part. Support comes from the above cited passage from specification page 8. Accordingly, Applicants respectfully submit that the amendments submitted in this paper do not add new matter to the application.

Claims 25, 28-39, 42-44, and 47-48 are rejected under 35 U.S.C. § 102(b) as anticipated by Imburgia, U.S. Patent No. 5,750,184. Claim 45 is rejected under 35 U.S.C. § 103 (a) as unpatentable over Imburgia in view of Brown, WO 01/56618. It is submitted that the rejection of these claims is overcome.

Claim 25 has been amended as indicated above, to provide that the channel covers substantially the entire surface of the housing, except for the surface covered by the testing chamber. This is not the arrangement shown by Imburgia, where the channel 36 is very small, relative to the overall housing surface. That is, as clearly shown, Imburgia's channel path covers only a small portion of the housing surface 10. In contrast, the claimed subject matter describes a channel having a long flowpath from housing opening to testing chamber,

covering substantially the entire surface of the first housing part, but for the surface of the testing chamber, which channel is configured to impede deaeration. See claim 25. Not only does Imburgia not disclose the claimed channel arrangement, it is silent as to channel deaeration. Silence as to channel deaeration further evidences the substantial differences in channel arrangements between Imburgia and the claimed subject matter.

For that matter, Brown, cited in combination with Imburgia to support a section 103 rejection, is silent as teaching a channel arrangement that prevents deaeration. Accordingly, the rejection of claims 25, 28-39, 42-44, and 47 is overcome.

Claim 48 recites, among other things, that the supply line is comprised of a channel located between a sidewall provided on an outer side of the first housing part and at least one inwardly facing ridge provided on the second housing part. The section 102 (b) rejection based on Imburgia is overcome because, at the least, Imburgia does not disclose an inwardly-facing ridge on the interior of the second housing part. Accordingly, the section 102 (b) rejection based on Imburgia is overcome.

Claim 45 is rejected under 35 U.S.C. § 103 (a) as unpatentable over Imburgia in view of Brown, WO 01/56618. Brown and Imburgia combined are cited for allegedly showing a testing apparatus where a sealing mat is used, thereby purportedly rendering claim 45 unpatentable. It is submitted the

amendments to claim 25, from which claim 45 ultimately depends, overcomes this rejection. Furthermore, Brown teaches an insert for a sterilizing device. Thus, Brown does not teach placing a seal between first and second housing parts *to seal off the external environment* (see claim 44, from which claim 45 depends). Brown purportedly teaches the sealing of components which are then placed into a sterilization device. Thus, the arrangement of Brown only creates a partition of layers, not an actual seal against external influences. This is significant, since Brown indicates that the components in question here are placed into a porous chamber in which steam apparently flows upward. No external sealing occurs with the so-called seal cited by Brown.

In any event, the combination including Brown teaches away from the invention as claimed. Brown's sterilizer insert is not provided with an opening on the outside of the housing, through which a sterilizing medium can enter the housing and travels directly to the chamber, as recited in all of the claims. As best understood, in the arrangement taught by Brown, fluid flows from the inside-out. That is, fluid flows from an interior portion of the device, and moves outward. Accordingly, the skilled artisan apprised of Brown would configure flow from the inside of the device outward, which is clearly at odds with the present claims, where the clear inference drawn from the claimed subject matter is that sterilizing medium flows through the opening on the outside of the housing, and then to the testing chamber in the device interior.

Newly added claim 49 is directed to the embodiment of Fig. 9. Neither Imburgia, Brown, nor the combination thereof disclose the claimed arrangement, in which the first housing part is inserted into a box-shaped second housing part, with a sealing mat positioned between a top surface of the first housing part and a bottom of the top surface of the second housing part, the mat providing a seal between the first and second housing parts. Accordingly, claim 49 is believed to be patentable over the cited references.

With entry of the amendments presented herein, the addition of new claims 49 and 50 will bring the total of claims now presented to twenty-one (21). Applicants previously presented twenty-three (23) claims, and paid the fee for the three (3) claims in excess of twenty (20). For this reason, it is believed that no fee is due at this time for presenting new claims 49 and 50.

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Docket No. F-8812

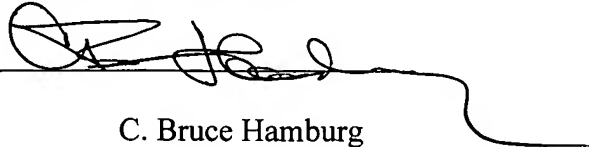
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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

Jordan and Hamburg LLP

By



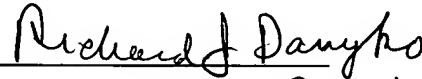
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